

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Owen Harty,	)	C/A No. 3:11-1233-CMC-PJG
	)	
Plaintiff,	)	
	)	
vs.	)	<b>ORDER</b>
	)	
Fashion Station Trust, <i>A Delaware Trust</i> ,	)	
	)	
Defendant.	)	
_____	)	

Plaintiff, who is represented by counsel, filed this matter alleging violations of his civil rights under the Americans with Disabilities Act, 42 U.S.C. §§ 12181 et seq. (“ADA”) by the named defendant. The defendant filed a motion to dismiss on July 28, 2011, pursuant to the Federal Rules of Civil Procedure. (ECF Nos. 6 & 7.) As of the date of this order, the plaintiff has failed to respond to the motion in accordance with Local Civil Rule 7.06 DSC. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action.

Based on the foregoing, it is

**ORDERED** that the plaintiff shall advise the court as to whether he wishes to continue with this case and to file a response to the defendant’s motion to dismiss within seven (7) days from the date of this order. Plaintiff is further advised that if he fails to respond, this action may be decided on the record presented in support of the defendants’ motion, see Local Civil Rule 7.06 DSC, or may be recommended for dismissal with prejudice for failure to prosecute. See Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

**IT IS SO ORDERED.**

August 17, 2011  
Columbia, South Carolina

  
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Paige J. Gossett  
UNITED STATES MAGISTRATE JUDGE